

CITY OF CARLISLE
REGULAR CITY COUNCIL MEETING
Monday, July 12, 2004
7:00 P.M.
Carlisle City Hall Council Chamber

Officials present were: Mayor Ruth Randleman, Councilmembers Drew Merrifield, Allen Wiese, Pat Stump, Blair Dewey and Frank Shultz, Deputy Clerk Pat Brehse and City Attorney Robert Stuyvesant. City Administrator Neil Ruddy was absent.

The meeting was called to order at 7:00 P.M.

Motion by Stump to APPROVE THE FOLLOWING CONSENT ITEMS: June 28, 2004 Regular City Council meeting minutes as corrected to note that Councilmembers Dewey and Shultz requested information on the 2003 contract for purchase of additional property for Volunteer Park, application and Resolution No. 2004071201 for tax abatement for Steve Jensen for a residential garage and breezeway on Lot 1, Block 2, J,W. Seid's Addition at 730 N. 5th St., application and Resolution No. 2004071202 for tax abatement for Larry and Kathy Thompson for a residential basement on Out Lot 39, except E. 7.8', Auditor's Plat of Out Lots at 335 S. 8th St. and application and Resolution No. 2004071203 for tax abatement for Brian & Lisa Thomas for a residential garage on Carlisle Out Lot 35 – N 75 ' at 610 Elm Street. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Councilmember Shultz had the BILLS PAYABLE FOR REVIEW in the amount of \$53,612.22. Motion by Shultz to APPROVE PAYMENT OF BILLS IN THE TOTAL AMOUNT OF \$53,612.22. Payments for the Polk County library meeting, the police computers and animal control were questioned. Seconded by Stump. Roll call vote: Shultz – Aye, Stump – Aye, Dewey – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

CITIZEN PARTICIPATION: None

Motion by Wiese to ACCEPT THE OFFER OF PARTIAL FUNDING FOR THE CARLISLE FAMILY AQUATIC CENTER FROM THE IOWA DNR LAND AND WATER CONSERVATION (LAWCON) FUND 2004 GRANT PROGRAM, contingent on a favorable referendum result. Because applications from Carlisle and Le Mars tied for 12th, the amount will either be \$2,160.12 or \$4,320.25 if Le Mars declines the offer. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried.

Motion by Wiese to APPROVE THE USE OF NORTH PARK FOR A MICHELLE BUCHANAN FUNDRAISER, provided event insurance is obtained. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Mayor Randleman opened the PUBLIC HEARING ON THE PETITION FOR VOLUNTARY ANNEXATION OF PROPERTIES OWNED BY JEFF MEANS AND DIANE GLASS AND DANAMERE FARMS, INC at 7:16 P.M. The additional parcel "N" has been included with the Means and Glass properties and the properties are more than 2 miles from any other City so the annexation will go directly to the Secretary of State for approval. No written comments were received. William Schooler, Jr. stated that the existing storm water drainage from the annexation area to Cole Street should be modified prior to annexation and that this was required for the Parkview South subdivision. It was explained that the City has no authority over the area until after the annexation is completed, that the only difference this year is that a crop has not been planted and that the developer will be submitting a grading plan for the area after the annexation is completed. Motion by Merrifield to CLOSE THE PUBLIC HEARING at 7:41 P.M. Seconded by Wiese. Roll call vote: Merrifield – Aye, Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Motion by Stump to APPROVE RESOLUTION NO. 2004071204 APPROVING THE VOLUNTARY ANNEXATION OF PROPERTIES OWNED BY JEFF MEANS AND DIANE GLASS AND DANAMERE FARMS, INC.

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Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Mayor Randleman opened the PUBLIC HEARING ON THE APPLICATION FROM ROBERT AND KATHY BETZER TO RE-ZONE THE FOLLOWING DESCRIBED PROPERTY FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL: Out Lot 16 except S 184' x W 325', except parcels F and H and except the Betzer subdivision at the intersection of Garfield and Market Streets at 7:44 P.M. Motion by Stump to ACCEPT WRITTEN COMMENTS INTO THE RECORD from Nicholle Hensley, 25 Elm St., Rex and Betty McAninch, 40 Elm St., Steven O'Braza and Linda Cousins, 355 N. 1st St., Jose and Angela Merino, 45 Elm St., Kathleen Crippen, 85 Elm St. and Ray and Cindy Gray, 47 Elm St. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried. It was explained that the area was previously zoned M-1 and that development of the area would be subject to both subdivision and site plan review. The Elm Street access, the possibility of a modified M-1 zone with restrictions on noise or hours of operation and the possibility of a buffer area, a berm or a wider setback along the adjacent residential area were discussed. Motion by Stump to CLOSE THE PUBLIC HEARING at 8:30 P.M. Seconded by Shultz. Roll call vote: Stump – Aye, Shultz – Aye, Dewey – Aye, Wiese – Aye, Merrifield – Aye. Motion carried. Motion by Shultz to APPROVE THE FIRST READING OF AN ORDINANCE REZONING OUT LOT 16 EXCEPT THE S 184' X W 325', EXCEPT PARCELS F AND H AND EXCEPT THE BETZER SUBDIVISION FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL. Seconded by Dewey. Roll call vote: Shultz – Aye, Dewey – Aye, Stump – Nay, Wiese – Aye, Merrifield – Nay. Motion carried. City Engineer John Gade will be asked to review the request prior to the next meeting.

The Highway 5 and County Line Road wetlands project was discussed. The proposed project involves the City purchasing 47.53 acres from the Iowa DOT and selling approximately 7.53 acres to Peoples Bank for a commercial development, subject to Peoples Bank paying mitigation and grading costs. Mayor Randleman disclosed a family ownership interest in Peoples Bank. William Schooler, Jr. objected to the removal of fill for the commercial development and to a negotiated sale rather than a public bid sale for property that could have significant commercial value. Motion by Stump TO TABLE ACTION TO RECEIVE AND FILE THE APPROVED SECTION 404 NATIONWIDE PERMIT 39 FOR REGRADING FOR COMMERCIAL DEVELOPMENT AND THE SECTION 404 NATIONWIDE PERMIT 27 FOR REGRADING FOR WETLAND RESTORATION from the Department of the Army Corps of Engineers Wetland Division. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye, Wiese – Aye. Motion carried. Motion by Stump TO TABLE ACTION APPROVING THE CONSENT TO EASEMENT STRUCTURES as approved by Department of the Army Corps of Engineers Real Estate Division. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye, Wiese – Aye. Motion carried. Wetlands design consultant Doug Adamson will be asked to attend the next meeting.

Councilmember Stump withdrew the Pre-Approval Application and Agreement for Eligible project for the 2004-05 Curb It! revenue sharing program for the downtown mural project so that the Garden Club project would be the only Curb It! revenue sharing application and discussed enforcement of City Code 85.06 Running At Large Prohibited with regard to cats. She will place an article about cats at large in the newspaper. City Attorney Stuyvesant stated that he is reviewing information regarding the Code of Iowa 404.3A residential development area tax exemption.

Motion by Stump to GO INTO EXEMPT SESSION pursuant to chapter 21.5 (c.) of the Iowa Code to discuss strategy with counsel in matters where litigation is imminent at 10:02 P.M. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Nay. Motion carried. Motion by Merrifield to CLOSE THE EXEMPT SESSION at 10:22 P.M. Seconded by Stump. Roll call vote: Merrifield – Aye, Stump – Aye, Wiese – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Motion by Stump to ADJOURN AT 10:30 P.M. Seconded by Shultz. Roll call vote: Stump – Aye, Shultz – Aye, Dewey – Aye, Merrifield – Aye, Wiese – Aye. Motion carried.

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Ruth Randleman, Mayor

Attest:

Patricia Brehse, Deputy Clerk